

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Civil Action No. 00-1827

Plaintiff,

Judge Cercone

v.

DAVID W. BUTLER,

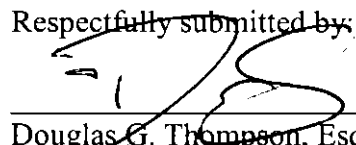
Defendant.

DEFENDANT'S MOTION FOR RECONSIDERATION

Defendant David W. Butler hereby moves this Court for reconsideration of its Memorandum Order dated December 29, 2005, insofar as that Order did not address, but implicitly denied, Defendant's petition for a judgment for costs under 28 U.S.C. § 2412(a). As such, Defendant moves the Court for the entry of an Order amending its prior Memorandum Order and awarding Defendant a judgment for costs pursuant to 28 U.S.C. § 2412(a)(1) in the amount of \$79,615.99.

Date: January 11, 2006

Respectfully submitted by:



Douglas G. Thompson, Esq.
Donald J. Enright, Esq.
FINKELSTEIN, THOMPSON & LOUGHRAN
1050 30th Street, NW
Washington, DC 20007
(202) 337-8000

Attorneys for Defendant

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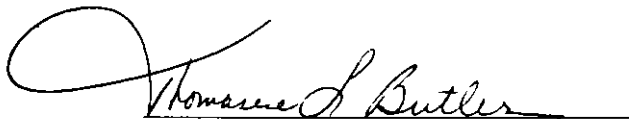
Defendant.

CERTIFICATE OF SERVICE

I, Thomasine L. Butler, hereby affirm and attest that a true and correct copy of the foregoing Defendant's Motion For Reconsideration, (Propose Order), Memorandum Of Law In Support Of Defendant's Motion For Reconsideration Upon The Court's Denial Of Defendant's Expenses and Declaration Of Donald J. Enright, Esq. In Support Of Motion For Reconsideration were sent via Federal Express this 11th day of January 2006 to the following:

Catherine Pappas, Esq.
U.S. Securities and Exchange Commission
Mellon Independence Center
701 Market Street
Suite 2000
Philadelphia, PA 19106

Timothy N. McGarey
Office of General Counsel
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549


Thomasine L. Butler